EXECUTIVE CHAMBERS HONOLULU

DAVID Y. 1GE GOVERNOR

July 9, 2015

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki, Speaker and Members of the House of Representatives Twenty-Eighth State Legislature State Capitol, Room 431 Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 9, 2015, the following bill was signed into law:

SB226 SD2 HD1

RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER
ACT 221 (15)

Sincerely,

DAVID Y-IGE

Governor, State of Hawai'i

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THE SENATE
TWENTY-EIGHTH LEGISLATURE, 2015
STATE OF HAWAII

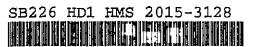
ACT 221
S.B. NO. 226
S.D. 2
H.D. 1

A BILL FOR AN ACT

RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. Section 709-906, Hawaii Revised Statutes, is
- 2 amended as follows:
- 3 1. By amending subsection (1) to read:
- 4 "(1) It shall be unlawful for any person, singly or in
- 5 concert, to physically abuse a family or household member or to
- 6 refuse compliance with the lawful order of a police officer
- 7 under subsection (4). The police, in investigating any
- 8 complaint of abuse of a family or household member, upon
- 9 request, may transport the abused person to a hospital or safe
- 10 shelter.
- 11 For the purposes of this section[, "family]:
- "Business day" means any calendar day, except Saturday,
- 13 Sunday, or any state holiday.
- "Family or household member" means spouses or reciprocal
- 15 beneficiaries, former spouses or reciprocal beneficiaries,
- 16 persons in a dating relationship as defined under section 586-1,
- 17 persons who have a child in common, parents, children, persons



1	I related by consanguinity, and persons jointly residi	ng or
2	2 formerly residing in the same dwelling unit."	
3	3 2. By amending subsection (4) to read:	
4	4 "(4) Any police officer, with or without a war	rant, shall
5	5 take the following course of action, regardless of w	hether the
6	$oldsymbol{6}$ physical abuse or harm occurred in the officer's pre	sence:
7	7 (a) The police officer shall make reasonable i	nquiry of
8	8 the family or household member upon whom t	he officer
9	9 believes physical abuse or harm has been i	nflicted and
10	O other witnesses as there may be;	
11	(b) The police officer lawfully shall order th	e person who
12	2 the police officer reasonably believes to	have
13	3 inflicted the abuse to leave the premises	for a period
14	4 of separation [of forty eight hours], duri	ng which
15	5 time the person shall not initiate any con	tact, either
16	6 by telephone or in person, with the family	or
17	household member; provided that the person	is allowed
18	8 to enter the premises with police escort t	o collect

any necessary personal effects[+]. The period of

separation shall commence when the order is issued and

shall expire at 6:00 p.m. on the second business day

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S.B. NO. S.D. 2 H.D. 1

1		following the day the order was issued; provided that
2		the day the order is issued shall not be included in
3		the computation of the two business days;
4	[(c)	When the incident occurs after 12:00 p.m. on any
5		Friday, or on any Saturday, Sunday, or legal holiday,
6		the order to leave the premises and to initiate no
7		further contact shall commence immediately and be in
8		full force, but the forty eight hour period shall be
9		enlarged and extended until 4:30 p.m. on the first day
10		following the weekend or legal holiday;
11	(d) -]	(c) All persons who are ordered to leave as stated
12		above shall be given a written warning citation
13		stating the date, time, and location of the warning
14		and stating the penalties for violating the warning.
15		A copy of the warning citation shall be retained by
16		the police officer and attached to a written report
17		which shall be submitted in all cases. A third copy
18		of the warning citation shall be given to the abused
19		person;
20	[(e) -]	(d) If the person so ordered refuses to comply with
21		the order to leave the premises or returns to the

1	premises before the expiration of the period of
2	separation, or if the person so ordered initiates any
3	contact with the abused person, the person shall be
4	placed under arrest for the purpose of preventing
5	further physical abuse or harm to the family or
6	household member; and
7	[(f)] <u>(e)</u> The police officer shall seize all firearms and
8	ammunition that the police officer has reasonable
9	grounds to believe were used or threatened to be used
10	in the commission of an offense under this section."
11	SECTION 2. This Act does not affect rights and duties that
12	matured, penalties that were incurred, and proceedings that were
13	begun before its effective date.
14	SECTION 3. Statutory material to be repealed is bracketed
15	and stricken. New statutory material is underscored.
16	SECTION 4. This Act shall take effect upon its approval.

APPROVED this 9 day of JUL , 2015

GOVERNOR OF THE STATE OF HAWAII